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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,768	12/26/2001	Michael J. Tanguay	534-CIP	1848

25559 7590 03/14/2003

ATMI, INC.
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DANBURY, CT 06810

EXAMINER

ZERVIGON, RUDY

ART UNIT	PAPER NUMBER
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1763

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary
File Copy

Application No.

10/033,768

Applicant(s)

TANGUAY, MICHAEL J.

Examiner

Rudy Zervigon

Art Unit

1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) 25-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 50 is/are rejected.
- 7) ☒ Claim(s) 4-24 and 50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 2.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other:

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: I called Mr. Ryan to inquire on an election and to clarify additional issues. Mr. Ryan elected group I, claims 1-24 without traverse. I also asked Mr. Ryan about claim 3 which depends from itself. Mr. Ryan stated that claim 3 should depend from claim 2. I also asked Mr. Ryan about the un-numbered claim on page 28, line 9. Mr. Ryan confirmed that the claim is not numbered and that it should depend from claim 7. I am numbering the un-numbered claim as claim 50. I additionally brought to Mr. Ryan's attention the claim numbering on page 32.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-24, 50, drawn to a wafer susceptor, classified in class 118, subclass 719.
 - II. Claims 25-49, drawn to a method of increasing the throughput of a single substrate deposition chamber, classified in class 427, subclass 446.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process, for example, an etching process.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with William Ryan on February 19, 2003 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-24, and 50. Affirmation of this election must be made by applicant in replying to this Office action. Claims 25-49 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Objections

1. Claims 4-24, and claim 50 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claims, or amend the claims to place the claims in proper dependent form, or rewrite the claims in independent form. Claim 5 depends from itself. The remaining claims depend from claim 5. Art-based rejections on claims 4-24 and 50 is impossible based on the present claim dependence.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-24, and 50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1-24, and 50 recite the limitation "said wafer holder" in lines 8-9 of claim 1. There is insufficient antecedent basis for this limitation in the claim.

4. Claims 4-24, and 50 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 depends from itself. The remaining claims depend from claim

5. Art-based rejections on claims 4-24 and 50 is impossible based on the present claim dependence.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Suda et al. Suda teaches:

- i. 1. A wafer susceptor (90, wafer holder) for use in a substrate (5) processing system (Figure 1b, 2, 3), comprising:
 - a. at least one recess (mounting portions/recesses 92, 94) formed therein, with each recess (mounting portions/recesses 92, 94) is arranged and configured to hold at least one substrate (5) therein, wherein a combination of the wafer holder (90, wafer holder) and the at least one substrate (5) forms a composite substrate having uniform processing characteristics (column 23, lines 27-36).
- ii. 2. The wafer susceptor (90, wafer holder) of claim 1, wherein the uniform processing characteristics (column 23, lines 27-36) of the composite substrate are achieved by matching

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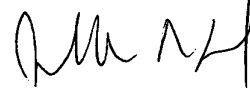
physical properties (column 23, lines 27-36) of the wafer susceptor (90, wafer holder) and the substrates (5)

- iii. 3. The wafer susceptor (90, wafer holder) of claim 3, wherein the physical properties (column 23, lines 27-36) comprise at least one property selected from the group consisting of: Thermal coefficient of expansion; Reflectivity; Thermal mass; Thermal conductivity; Electrical resistivity; Dielectric constant; Dielectric loss; Density; Hardness; and Emissivity

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPat. 6,491,518; 6,200,387; 6,398,032; 5,417,767; 4,859,993; 5,931,662; 5,882,418; 5,170,990; 5,443,649; 4,872,554; 4,566,839; 6,341,703; US 2002/0015633A1.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Rudy Zervigon whose telephone number is (703) 305-1351. The examiner can normally be reached on a Monday through Thursday schedule from 8am through 7pm. The official after final fax phone number for the 1763 art unit is (703) 872-9311. The official before final fax phone number for the 1763 art unit is (703) 872-9310. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Chemical and Materials Engineering art unit receptionist at (703) 308-0661. If the examiner can not be reached please contact the examiner's supervisor, Gregory L. Mills, at (703) 308-1633.



JEFFRIE R. LUND
PRIMARY EXAMINER